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E. LYNN SCHOENMANN

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

ACEH CAPITAL, LLC,

Debtor.

Case No. 21-30299 DM

Chapter 7

**NOTICE OF MOTION AND MOTION OF
TRUSTEE TO REJECT LEASE OF
NON-RESIDENTIAL REAL PROPERTY
LOCATED AT 1650 BOREL PLACE,
STE. 105, SAN MATEO, CALIFORNIA
ON 24 HOURS' NOTICE PURSUANT TO
B.L.R. 6006-1(b)**

[No Hearing Set]

**TO: LESSOR BOREL PLACE ASSOCIATES, THE DEBTOR AND THE OFFICE OF
THE UNITED STATES TRUSTEE:**

NOTICE

NOTICE IS HEREBY GIVEN that E. Lynn Schoenmann ("Trustee"), trustee of the
above-captioned estate, hereby moves the Court for authority to reject a certain unexpired
non-residential real property lease, as described in further detail below. Pursuant to Bankruptcy
Local Rule of the United States Bankruptcy Court for the Northern District of California
("B.L.R.") 6006-1(b):

1 “[A] Chapter 7 trustee may move to reject an unexpired lease of
2 nonresidential real property where the debtor is the tenant on 24 hours
3 notice given only to the other party to the lease, and such motions will
4 normally be considered by the Court without a hearing.” (emphasis added).

5 See also B.L.R. 9014-1(d)(2). For further information regarding the foregoing, please
6 contact counsel for the Trustee at the address shown above.

7 **RELIEF SOUGHT**

8 Pursuant to 11 U.S.C. § 365, the Trustee seeks authority to reject on 24 hours’ notice to
9 the captioned debtor’s lessor, Borel Place Associates (“Lessor”), the real property lease
10 described below.

11 **BACKGROUND AND ARGUMENT**

12 ACEH Capital, LLC (“Debtor”) filed a voluntary petition for relief under Chapter 7 of
13 the Bankruptcy Code on April 21, 2021. The Trustee is the duly appointed, qualified and acting
14 chapter 7 trustee of the Debtor’s bankruptcy estate. Among the property of the estate is a
15 non-residential real property lease pertaining to certain non-residential real property commonly
16 known as 1650 Borel Place, Ste. 105, San Mateo, California. The Debtor’s representative stated
17 that the Debtor does not have a copy of the subject lease. What the Trustee knows of the lease
18 comes from the Debtor’s Schedule G [Doc# 1], which states that the “[l]ease was believed to be
19 renewed for 5 years in 2018[.]” The Trustee has no further information about the lease, save for
20 the name and address of the landlord, as listed in Schedule G.

21 The Trustee has determined, in the exercise of her reasonable business judgment, that the
22 Lease is burdensome to the administration of this Chapter 7 bankruptcy estate. Accordingly, the
23 Trustee believes that it is in the best interests of the estate to reject the Lease effective
24 immediately.

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1 **WHEREFORE**, for all the foregoing and proper purposes, the Trustee respectfully
2 requests that this Court make and enter its order granting this motion.

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4 Dated: May 25, 2021

DUANE MORRIS LLP

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6 By: /s/ Geoffrey A. Heaton (206990)
7 Geoffrey A. Heaton
8 Counsel for Chapter 7 Trustee
9 E. LYNN SCHOENMANN
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